IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9124 of 2004

Between:

1 Ganne Sitaram Das, S/o. Venkatappaiah,
R/o. Flat No.108, Nomula Residency, H.B. Colony, Moulali, Hyderabad.
2 Ganne Sarojini, W/o. Sitaram Das,
R/o. Flat No.108, Nomula Residency, H.B. Colony, Moulali, Hyderabad.

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PETITIONER(S)

AND

1 The District Collector, Machilipatnam, Krishna District.
2 The Director of Fisheries, Government of A.P., Hyderabad.
3 The Member Secretary, A.P. Pollution Control Board, Govt. of A.P., Hyderabad.
4 Nalajala Srinivasarao, S/o. Nalajala Nageswara Rao,
R/o. Mukhanakalavapudi Village, Mandavalli Mandal, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the official respondents in not taking any steps against the 4th

respondent for not preventing him to operate fishing operation in the land situated in Sy.No.175/1,2 and 178//1 admeasuring Ac. 1-99 cents situated at Mukhasakalavapudi Village, Mandavalli Mandal, Krishna District, pursuant to the representation dt. 5-5-2004 as illegal, arbitrary, unconstitutional and consequently direct the officials respondents to forthwith act upon the representation dt. 5-5-2004

For the Petitioner:SMT.KAVITHA GOTTIPATI , Advocate

For the Respondent No.: GP FOR FISHERIES

Counsel for the 4th respondent: Mr.S.V.Bhatt.

The Court at the stage of admission, made the following:
ORAL ORDER: (per the Hon'ble the Chief Justice)

On 5-5-2004, the petitioners submitted a representation to the District Collector, Krishna, at Machilipatnam alleging that they are the owners of agricultural land admeasuring Ac.1-99 cents of Mukhasakalvapudi village, Mandavalli Mandal, Krishna District bearing survey Nos.175/1, 2 and 178/1 and the said land was leased out to one Nalajala Srinivasa Rao, respondent No.4, who is a resident of the same village. The petitioners further alleged that the said lessee without their knowledge and consent has converted the agricultural land into fish ponds despite protests and despite the fact that the concerned authorities were apprised of the illegal acts of the respondent No.4 and requested to prevent the said lessee from carrying out fishing operations, no action had been taken. According to the petitioners, no permission has been obtained by the lessee from the concerned departments as is required to be taken for carrying out shrimp culture/acqua culture.

Without getting any reply from the Director of Fisheries, the second respondent, this writ petition was filed by the petitioner impleading the District Collector as the first respondent, the Director of

Fisheries as respondent No.2, the Member Secretary, A.P. Pollution Control Board, Government of A.P, Hyderabad as respondent No.3 in addition to the lessee as respondent No.4. The petition has come up before us today.

We have heard the learned counsel for the petitioners and gone through the material on record.

In S.JAGANNADH vs UNION OF INDIA (AIR 1997 SC 811) the Supreme Court has held that agricultural land cannot be used for other purposes including acqua culture without the express permission from the concerned authorities, and such conversion of agricultural lands to carry out acqua culture without obtaining proper permission is illegal. A Division Bench of this Court in W.P.No.2180 of 2001 and batch issued directions to the State Government not to allow any person to carry on the activity of shrimp culture, fish culture or any type of acqua culture without obtaining prior permission from the competent authority.

In this view of the matter, we dispose of the writ petition with a direction to the first respondent to look into the petitioners' representation and the allegations made in the petition and take appropriate decision in the matter within a period of four weeks from the date of receipt of a copy of this order, if not already taken, and in case the respondent No.4 has not taken any permission and indulged in illegal activity, steps will be taken to ensure that he stops such activity forthwith.

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DEVINDER GUPTA,

CJ

18-6-2004

G.ROHINI, J

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